

AMENDED IN ASSEMBLY APRIL 27, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2800

Introduced by Assembly Member Laird

(Coauthors: Assembly Members Chu, Dymally, Evans, Goldberg, Hancock, Klehs, Koretz, Leno, Lieber, Mullin, Nation, and Pavley)

(Coauthors: Senators Kehoe and Kuehl, Kuehl, and Migden)

February 24, 2006

An act to amend Sections 10177 and 23428.20 of the Business and Professions Code, to amend Sections 782, 782.5, 798.20, and 800.25 of the Civil Code, to amend Section 65008 of the Government Code, and to amend Sections 33050, 33435, 33436, 33724, 33769, 35811, 37630, 37923, 50955, and 51602 of the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2800, as amended, Laird. Housing: discrimination.

Various provisions of existing law prohibit discrimination in housing and housing related areas, including real estate licensure, mortgage lending, club membership, development projects, and community redevelopment. The prohibited discrimination includes discrimination based on specified categories, including the race, color, sex, religion, and marital status of a person.

The Fair Employment and Housing Act declares that the practice of discrimination because of race, color, religion, sex, marital status, national origin, ancestry, familial status, disability, or sexual orientation in housing accommodations is against the public policy of the state.

This bill would amend provisions that prohibit discrimination in housing and specified housing related areas to instead prohibit discrimination on the same ~~bases~~ *characteristics* as in the Fair Employment and Housing Act.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as
2 the Omnibus Housing Nondiscrimination Act.

3 SEC. 2. Section 10177 of the Business and Professions Code
4 is amended to read:

5 10177. The commissioner may suspend or revoke the license
6 of a real estate licensee, or may deny the issuance of a license to
7 an applicant, who has done any of the following, or may suspend
8 or revoke the license of a corporation, or deny the issuance of a
9 license to a corporation, if an officer, director, or person owning
10 or controlling 10 percent or more of the corporation's stock has
11 done any of the following:

12 (a) Procured, or attempted to procure, a real estate license or
13 license renewal, for himself or herself or any salesperson, by
14 fraud, misrepresentation, or deceit, or by making any material
15 misstatement of fact in an application for a real estate license,
16 license renewal, or reinstatement.

17 (b) Entered a plea of guilty or nolo contendere to, or been
18 found guilty of, or been convicted of, a felony or a crime
19 involving moral turpitude, and the time for appeal has elapsed or
20 the judgment of conviction has been affirmed on appeal,
21 irrespective of an order granting probation following that
22 conviction, suspending the imposition of sentence, or of a
23 subsequent order under Section 1203.4 of the Penal Code
24 allowing that licensee to withdraw his or her plea of guilty and to
25 enter a plea of not guilty, or dismissing the accusation or
26 information.

27 (c) Knowingly authorized, directed, connived at, or aided in
28 the publication, advertisement, distribution, or circulation of any
29 material false statement or representation concerning his or her
30 business, or any business opportunity or any land or subdivision,

1 as defined in Chapter 1 (commencing with Section 11000) of
2 Part 2, offered for sale.

3 (d) Willfully disregarded or violated the Real Estate Law (Part
4 1 (commencing with Section 10000)) or Chapter 1 (commencing
5 with Section 11000) of Part 2 or the rules and regulations of the
6 commissioner for the administration and enforcement of the Real
7 Estate Law and Chapter 1 (commencing with Section 11000) of
8 Part 2.

9 (e) Willfully used the term “realtor” or any trade name or
10 insignia of membership in any real estate organization of which
11 the licensee is not a member.

12 (f) Acted or conducted himself or herself in a manner that
13 would have warranted the denial of his or her application for a
14 real estate license, or has either had a license denied or had a
15 license issued by another agency of this state, another state, or
16 the federal government revoked or suspended for acts that, if
17 done by a real estate licensee, would be grounds for the
18 suspension or revocation of a California real estate license, if the
19 action of denial, revocation, or suspension by the other agency or
20 entity was taken only after giving the licensee or applicant fair
21 notice of the charges, an opportunity for a hearing, and other due
22 process protections comparable to the Administrative Procedure
23 Act (Chapter 3.5 (commencing with Section 11340), Chapter 4
24 (commencing with Section 11370), and Chapter 5 (commencing
25 with Section 11500) of Part 1 of Division 3 of Title 2 of the
26 Government Code), and only upon an express finding of a
27 violation of law by the agency or entity.

28 (g) Demonstrated negligence or incompetence in performing
29 any act for which he or she is required to hold a license.

30 (h) As a broker licensee, failed to exercise reasonable
31 supervision over the activities of his or her salespersons, or, as
32 the officer designated by a corporate broker licensee, failed to
33 exercise reasonable supervision and control of the activities of
34 the corporation for which a real estate license is required.

35 (i) Has used his or her employment by a governmental agency
36 in a capacity giving access to records, other than public records,
37 in a manner that violates the confidential nature of the records.

38 (j) Engaged in any other conduct, whether of the same or a
39 different character than specified in this section, which
40 constitutes fraud or dishonest dealing.

1 (k) Violated any of the terms, conditions, restrictions, and
2 limitations contained in any order granting a restricted license.

3 (l) (1) Solicited or induced the sale, lease, or listing for sale or
4 lease of residential property on the ground, wholly or in part, of
5 loss of value, increase in crime, or decline of the quality of the
6 schools due to the present or prospective entry into the
7 neighborhood of a person or persons ~~because of any basis~~ *having*
8 *any characteristic* listed in subdivision (a) or (d) of Section
9 12955 of the Government Code, as those ~~bases~~ *characteristics*
10 are defined in Sections 12926, 12926.1, *subdivision (m) and*
11 *paragraph (1) of subdivision (p) of Section 12955, and Section*
12 *12955.2 of the Government Code.*

13 (2) Notwithstanding paragraph (1), with respect to familial
14 status, paragraph (1) shall not be construed to apply to housing
15 for older persons, as defined in Section 12955.9 of the
16 Government Code. With respect to familial status, nothing in
17 paragraph (1) shall be construed to affect Sections 51.2, 51.3,
18 51.4, 51.10, 51.11, and 799.5 of the Civil Code, relating to
19 housing for senior citizens. Subdivision (d) of Section 51 and
20 Section 1360 of the Civil Code and subdivisions (n), (o), and (p)
21 of Section 12955 of the Government Code shall apply to
22 paragraph (1).

23 (m) Violated the Franchise Investment Law (Division 5
24 (commencing with Section 31000) of Title 4 of the Corporations
25 Code) or regulations of the Commissioner of Corporations
26 pertaining thereto.

27 (n) Violated the Corporate Securities Law of 1968 (Division 1
28 (commencing with Section 25000) of Title 4 of the Corporations
29 Code) or the regulations of the Commissioner of Corporations
30 pertaining thereto.

31 (o) Failed to disclose to the buyer of real property, in a
32 transaction in which the licensee is an agent for the buyer, the
33 nature and extent of a licensee's direct or indirect ownership
34 interest in that real property. The direct or indirect ownership
35 interest in the property by a person related to the licensee by
36 blood or marriage, by an entity in which the licensee has an
37 ownership interest, or by any other person with whom the
38 licensee has a special relationship shall be disclosed to the buyer.

39 (p) Violated Article 6 (commencing with Section 10237).

1 If a real estate broker that is a corporation has not done any of
2 the foregoing acts, either directly or through its employees,
3 agents, officers, directors, or persons owning or controlling 10
4 percent or more of the corporation's stock, the commissioner
5 may not deny the issuance of a real estate license to, or suspend
6 or revoke the real estate license of, the corporation, provided that
7 any offending officer, director, or stockholder, who has done any
8 of the foregoing acts individually and not on behalf of the
9 corporation, has been completely disassociated from any
10 affiliation or ownership in the corporation.

11 SEC. 3. Section 23428.20 of the Business and Professions
12 Code is amended to read:

13 23428.20. (a) For the purposes of this article, "club" also
14 means any bona fide nonprofit corporation that has been in
15 existence for not less than nine years, has more than 8,500
16 memberships issued and outstanding to owners of condominiums
17 and owners of memberships in stock cooperatives, and owns,
18 leases, operates, or maintains recreational facilities for its
19 members.

20 (b) For the purposes of this article, "club" also means any
21 bona fide nonprofit corporation that was formed as a
22 condominium homeowners' association, has at least 250
23 members, has served daily meals to its members and guests for a
24 period of not less than 12 years, owns or leases, operates, and
25 maintains a clubroom or rooms for its membership, has an annual
26 fee of not less than nine hundred dollars (\$900) per year per
27 member, and has as a condition of membership that one member
28 of each household be at least 54 years old.

29 (c) Section 23399 and the numerical limitation of Section
30 23430 shall not apply to a club defined in this section.

31 (d) No license shall be issued pursuant to this section to any
32 club that withholds membership or denies facilities or services to
33 any person on account of any basis listed in subdivision (a) or (d)
34 of Section 12955 of the Government Code, as those bases are
35 defined in Sections 12926, 12926.1, *subdivision (m)* and
36 paragraph (1) of subdivision (p) of Section 12955, and Section
37 12955.2 of the Government Code.

38 (e) Notwithstanding subdivision (d), with respect to familial
39 status, subdivision (d) shall not be construed to apply to housing
40 for older persons, as defined in Section 12955.9 of the

Government Code. With respect to familial status, nothing in subdivision (d) shall be construed to affect Sections 51.2, 51.3, 51.4, 51.10, 51.11, and 799.5 of the Civil Code, relating to housing for senior citizens. Subdivision (d) of Section 51 and Section 1360 of the Civil Code and subdivisions (n), (o), and (p) of Section 12955 of the Government Code shall apply to subdivision (d).

SEC. 4. Section 782 of the Civil Code is amended to read:

782. (a) Any provision in any deed of real property in California, whether executed before or after the effective date of this section, that purports to restrict the right of any persons to sell, lease, rent, use or occupy the property to persons ~~because of any basis~~ *having any characteristic* listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, *subdivision (m) and* paragraph (1) of subdivision (p) of Section 12955 and Section 12955.2 of the Government Code, by providing for payment of a penalty, forfeiture, reverter, or otherwise, is void.

(b) Notwithstanding subdivision (a), with respect to familial status, subdivision (a) shall not be construed to apply to housing for older persons, as defined in Section 12955.9 of the Government Code. With respect to familial status, nothing in subdivision (a) shall be construed to affect Sections 51.2, 51.3, 51.4, 51.10, 51.11, and 799.5, relating to housing for senior citizens. Subdivision (d) of Section 51 and Section 1360 of this code and subdivisions (n), (o), and (p) of Section 12955 of the Government Code shall apply to subdivision (a).

SEC. 5. Section 782.5 of the Civil Code is amended to read:

782.5. (a) Any deed or other written instrument that relates to title to real property, or any written covenant, condition, or restriction annexed or made a part of, by reference or otherwise, any such deed or instrument, that contains any provision that purports to forbid, restrict, or condition the right of any person or persons to sell, buy, lease, rent, use, or occupy the property on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, *subdivision (m) and* paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, with respect to any person or persons, shall be deemed to be revised to omit that provision.

(b) Notwithstanding subdivision (a), with respect to familial status, subdivision (a) shall not be construed to apply to housing for older persons, as defined in Section 12955.9 of the Government Code. With respect to familial status, nothing in subdivision (a) shall be construed to affect Sections 51.2, 51.3, 51.4, 51.10, 51.11, and 799.5, relating to housing for senior citizens. Subdivision (d) of Section 51 and Section 1360 of this code and subdivisions (n), (o), and (p) of Section 12955 of the Government Code shall apply to subdivision (a).

(c) This section shall not be construed to limit or expand the powers of a court to reform a deed or other written instrument.

SEC. 6. Section 798.20 of the Civil Code is amended to read:

798.20. (a) Membership in any private club or organization that is a condition for tenancy in a park shall not be denied on any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, *subdivision (m)* and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code.

(b) Notwithstanding subdivision (a), with respect to familial status, subdivision (a) shall not be construed to apply to housing for older persons, as defined in Section 12955.9 of the Government Code. With respect to familial status, nothing in subdivision (a) shall be construed to affect Sections 51.2, 51.3, 51.4, 51.10, 51.11, and 799.5, relating to housing for senior citizens. Subdivision (d) of Section 51 and Section 1360 of this code and subdivisions (n), (o), and (p) of Section 12955 of the Government Code shall apply to subdivision (a).

SEC. 7. Section 800.25 of the Civil Code is amended to read:

800.25. (a) Membership in any private club or organization that is a condition for tenancy in a floating home marina shall not be denied on any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, *subdivision (m)* and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code.

(b) Notwithstanding subdivision (a), with respect to familial status, subdivision (a) shall not be construed to apply to housing for older persons, as defined in Section 12955.9 of the Government Code. With respect to familial status, nothing in subdivision (a) shall be construed to affect Sections 51.2, 51.3,

1 51.4, 51.10, 51.11, and 799.5, relating to housing for senior
2 citizens. Subdivision (d) of Section 51 and Section 1360 of this
3 code and subdivisions (n), (o), and (p) of Section 12955 of the
4 Government Code shall apply to subdivision (a).

5 SEC. 8. Section 65008 of the Government Code is amended
6 to read:

7 65008. (a) Any action pursuant to this title by any city,
8 county, city and county, or other local governmental agency in
9 this state is null and void if it denies to any individual or group of
10 individuals the enjoyment of residence, landownership, tenancy,
11 or any other land use in this state because of any of the following
12 reasons:

13 (1) (A) The lawful occupation, age, or any—~~basis~~
14 *characteristic of the individual or group of individuals* listed in
15 subdivision (a) or (d) of Section 12955, as those bases are
16 defined in Sections 12926, 12926.1, *subdivision (m) and*
17 paragraph (1) of subdivision (p) of Section 12955 and Section
18 12955.2.

19 (B) Notwithstanding subparagraph (A), with respect to
20 familial status, subparagraph (A) shall not be construed to apply
21 to housing for older persons, as defined in Section 12955.9. With
22 respect to familial status, nothing in subparagraph (A) shall be
23 construed to affect Sections 51.2, 51.3, 51.4, 51.10, 51.11, and
24 799.5 of the Civil Code, relating to housing for senior citizens.
25 Subdivision (d) of Section 51 and Section 1360 of the Civil Code
26 and subdivisions (n), (o), and (p) of Section 12955 of this code
27 shall apply to subparagraph (A).

28 (2) The method of financing of any residential development of
29 the individual or group of individuals.

30 (3) The intended occupancy of any residential development by
31 persons or families of low, moderate, or middle income.

32 (b) (1) No city, county, city and county, or other local
33 governmental agency shall, in the enactment or administration of
34 ordinances pursuant to this title, prohibit or discriminate against
35 any residential development or emergency shelter for any of the
36 following reasons:

37 (A) Because of the method of financing.

38 (B) (i) Because of the lawful occupation, age, or any—~~basis~~
39 *characteristic* listed in subdivision (a) or (d) of Section 12955, as
40 those—~~bases~~ *characteristics* are defined in Sections 12926,

1 12926.1, *subdivision (m) and* paragraph (1) of subdivision (p) of
2 Section 12955, and Section 12955.2, of the owners or intended
3 occupants of the residential development or emergency shelter.

4 (ii) Notwithstanding clause (i), with respect to familial status,
5 clause (i) shall not be construed to apply to housing for older
6 persons, as defined in Section 12955.9. With respect to familial
7 status, nothing in clause (i) shall be construed to affect Sections
8 51.2, 51.3, 51.4, 51.10, 51.11, and 799.5 of the Civil Code,
9 relating to housing for senior citizens. Subdivision (d) of Section
10 51 of the Civil Code and subdivisions (n), (o), and (p) of Section
11 12955 of this code shall apply to clause (i).

12 (C) Because the development or shelter is intended for
13 occupancy by persons and families of low and moderate income,
14 as defined in Section 50093 of the Health and Safety Code, or
15 persons and families of middle income.

16 (D) Because the development consists of a multifamily
17 residential project that is consistent with both the jurisdiction's
18 zoning ordinance and general plan as they existed on the date the
19 application was deemed complete, except that a project shall not
20 be deemed to be inconsistent with the zoning designation for the
21 site if that zoning designation is inconsistent with the general
22 plan only because the project site has not been rezoned to
23 conform with a more recently adopted general plan.

24 (2) The discrimination prohibited by this subdivision includes
25 the denial or conditioning of a residential development or shelter
26 because of, in whole or in part, (A) the method of financing or
27 (B) the occupancy of the development by persons protected by
28 this subdivision, including, but not limited to, persons and
29 families of low and moderate income.

30 (c) For the purposes of this section, "persons and families of
31 middle income" means persons and families whose income does
32 not exceed 150 percent of the median income for the county in
33 which the persons or families reside.

34 (d) (1) No city, county, city and county, or other local
35 governmental agency may impose different requirements on a
36 residential development or emergency shelter that is subsidized,
37 financed, insured, or otherwise assisted by the federal or state
38 government or by a local public entity, as defined in Section
39 50079 of the Health and Safety Code, than those imposed on
40 nonassisted developments, except as provided in subdivision (e).

1 The discrimination prohibited by this subdivision includes the
2 denial or conditioning of a residential development or shelter
3 based in whole or in part on the fact that the development is
4 subsidized, financed, insured, or otherwise assisted as described
5 in this paragraph.

6 (2) (A) No city, county, city and county, or other local
7 governmental agency may, because of lawful occupation, age, or
8 any ~~basis~~ *characteristic of the intended occupants* listed in
9 subdivision (a) or (d) of Section 12955, as those ~~bases~~
10 *characteristics* are defined in Sections 12926, 12926.1,
11 *subdivision (m)* and paragraph (1) of subdivision (p) of Section
12 12955, and Section 12955.2 or because the development is
13 intended for occupancy by persons and families of low,
14 moderate, or middle income, impose different requirements on
15 these residential developments than those imposed on
16 developments generally, except as provided in subdivision ~~(f)~~ (e).

17 (B) Notwithstanding subparagraph (A), with respect to
18 familial status, subparagraph (A) shall not be construed to apply
19 to housing for older persons, as defined in Section 12955.9. With
20 respect to familial status, nothing in subparagraph (A) shall be
21 construed to affect Sections 51.2, 51.3, 51.4, 51.10, 51.11, and
22 799.5 of the Civil Code, relating to housing for senior citizens.
23 Subdivision (d) of Section 51 and Section 1360 of the Civil Code
24 and subdivisions (n), (o), and (p) of Section 12955 of this code
25 shall apply to subparagraph (A).

26 (e) Notwithstanding subdivisions (a) to (d), inclusive, this
27 section and this title do not prohibit either of the following:

28 (1) The County of Riverside from enacting and enforcing
29 zoning to provide housing for older persons, in accordance with
30 state or federal law, if that zoning was enacted prior to January 1,
31 1995.

32 (2) Any city, county, or city and county from extending
33 preferential treatment to residential developments or emergency
34 shelters assisted by the federal or state government or by a local
35 public entity, as defined in Section 50079 of the Health and
36 Safety Code, or other residential developments or emergency
37 shelters intended for occupancy by persons and families of low
38 and moderate income, as defined in Section 50093 of the Health
39 and Safety Code, or persons and families of middle income, or
40 agricultural employees, as defined in subdivision (b) of Section

1 1140.4 of the Labor Code, and their families. This preferential
2 treatment may include, but need not be limited to, reduction or
3 waiver of fees or changes in architectural requirements, site
4 development and property line requirements, building setback
5 requirements, or vehicle parking requirements that reduce
6 development costs of these developments.

7 (f) “Residential development,” as used in this section, means a
8 single-family residence or a multifamily residence, including
9 manufactured homes, as defined in Section 18007 of the Health
10 and Safety Code.

11 (g) This section shall apply to chartered cities.

12 (h) The Legislature finds and declares that discriminatory
13 practices that inhibit the development of housing for persons and
14 families of low, moderate, and middle income, or emergency
15 shelters for the homeless, are a matter of statewide concern.

16 SEC. 9. Section 33050 of the Health and Safety Code is
17 amended to read:

18 33050. (a) It is hereby declared to be the policy of the state
19 that in undertaking community redevelopment projects under this
20 part there shall be no discrimination because of any basis listed in
21 subdivision (a) or (d) of Section 12955 of the Government Code,
22 as those bases are defined in Sections 12926, 12926.1, ~~paragraph~~
23 ~~(4)~~ *subdivision (m) and paragraph (1) of subdivision (p)* of
24 Section 12955, and Section 12955.2 of the Government Code.

25 (b) Notwithstanding subdivision (a), with respect to familial
26 status, subdivision (a) shall not be construed to apply to housing
27 for older persons, as defined in Section 12955.9 of the
28 Government Code. With respect to familial status, nothing in
29 subdivision (a) shall be construed to affect Sections 51.2, 51.3,
30 51.4, 51.10, 51.11, and 799.5 of the Civil Code, relating to
31 housing for senior citizens. Subdivision (d) of Section 51 and
32 Section 1360 of the Civil Code and subdivisions (n), (o), and (p)
33 of Section 12955 of the Government Code shall apply to
34 subdivision (a).

35 SEC. 10. Section 33435 of the Health and Safety Code is
36 amended to read:

37 33435. (a) Agencies shall obligate lessees and purchasers of
38 real property acquired in redevelopment projects and owners of
39 property improved as a part of a redevelopment project to refrain
40 from restricting the rental, sale, or lease of the property on any

basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, *subdivision (m)* and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code. All deeds, leases, or contracts for the sale, lease, sublease, or other transfer of any land in a redevelopment project shall contain or be subject to the nondiscrimination or nonsegregation clauses hereafter prescribed.

(b) Notwithstanding subdivision (a), with respect to familial status, subdivision (a) shall not be construed to apply to housing for older persons, as defined in Section 12955.9 of the Government Code. With respect to familial status, nothing in subdivision (a) shall be construed to affect Sections 51.2, 51.3, 51.4, 51.10, 51.11, and 799.5 of the Civil Code, relating to housing for senior citizens. Subdivision (d) of Section 51 and Section 1360 of the Civil Code and subdivisions (n), (o), and (p) of Section 12955 of the Government Code shall apply to subdivision (a).

SEC. 11. Section 33436 of the Health and Safety Code is amended to read:

33436. Express provisions shall be included in all deeds, leases, and contracts that the agency proposes to enter into with respect to the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of any land in a redevelopment project in substantially the following form:

(a) (1) In deeds the following language shall appear—"The grantee herein covenants by and for himself or herself, his or her heirs, executors, administrators, and assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, *subdivision (m)* and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises herein conveyed, nor shall the grantee or any person claiming under or through him or her, establish or permit any practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees,

1 subtenants, sublessees, or vendees in the premises herein
2 conveyed. The foregoing covenants shall run with the land.”

3 (2) Notwithstanding paragraph (1), with respect to familial
4 status, paragraph (1) shall not be construed to apply to housing
5 for older persons, as defined in Section 12955.9 of the
6 Government Code. With respect to familial status, nothing in
7 paragraph (1) shall be construed to affect Sections 51.2, 51.3,
8 51.4, 51.10, 51.11, and 799.5 of the Civil Code, relating to
9 housing for senior citizens. Subdivision (d) of Section 51 and
10 Section 1360 of the Civil Code and subdivisions (n), (o), and (p)
11 of Section 12955 of the Government Code shall apply to
12 paragraph (1).

13 (b) (1) In leases the following language shall appear—“The
14 lessee herein covenants by and for himself or herself, his or her
15 heirs, executors, administrators, and assigns, and all persons
16 claiming under or through him or her, and this lease is made and
17 accepted upon and subject to the following conditions:

18 That there shall be no discrimination against or segregation of
19 any person or group of persons, on account of any basis listed in
20 subdivision (a) or (d) of Section 12955 of the Government Code,
21 as those bases are defined in Sections 12926, 12926.1,
22 *subdivision (m)* and paragraph (1) of subdivision (p) of Section
23 12955, and Section 12955.2 of the Government Code, in the
24 leasing, subleasing, transferring, use, occupancy, tenure, or
25 enjoyment of the premises herein leased nor shall the lessee
26 himself *or herself*, or any person claiming under or through him
27 or her, establish or permit any such practice or practices of
28 discrimination or segregation with reference to the selection,
29 location, number, use, or occupancy, of tenants, lessees,
30 sublessees, subtenants, or vendees in the premises herein leased.”

31 (2) Notwithstanding paragraph (1), with respect to familial
32 status, paragraph (1) shall not be construed to apply to housing
33 for older persons, as defined in Section 12955.9 of the
34 Government Code. With respect to familial status, nothing in
35 paragraph (1) shall be construed to affect Sections 51.2, 51.3,
36 51.4, 51.10, 51.11, and 799.5 of the Civil Code, relating to
37 housing for senior citizens. Subdivision (d) of Section 51 and
38 Section 1360 of the Civil Code and subdivisions (n), (o), and (p)
39 of Section 12955 of the Government Code shall apply to
40 paragraph (1).

(c) In contracts entered into by the agency relating to the sale, transfer, or leasing of land or any interest therein acquired by the agency within any survey area or redevelopment project the foregoing provisions in substantially the forms set forth shall be included and the contracts shall further provide that the foregoing provisions shall be binding upon and shall obligate the contracting party or parties and any subcontracting party or parties, or other transferees under the instrument.

SEC. 12. Section 33724 of the Health and Safety Code is amended to read:

33724. (a) All property of the renewal area agency, and all property of persons participating in the rebuilding or rehabilitation of the renewal area or who derive any benefit from the rebuilding or rehabilitation, shall be sold, transferred, leased, purchased, acquired, administered, and managed without discrimination on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, *subdivision (m) and* paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code.

(b) Notwithstanding subdivision (a), with respect to familial status, subdivision (a) shall not be construed to apply to housing for older persons, as defined in Section 12955.9 of the Government Code. With respect to familial status, nothing in subdivision (a) shall be construed to affect Sections 51.2, 51.3, 51.4, 51.10, 51.11, and 799.5 of the Civil Code, relating to housing for senior citizens. Subdivision (d) of Section 51 and Section 1360 of the Civil Code and subdivisions (n), (o), and (p) of Section 12955 of the Government Code shall apply to subdivision (a).

SEC. 13. Section 33769 of the Health and Safety Code is amended to read:

33769. (a) An agency shall require that any residence that is constructed with financing obtained under this chapter shall be open, upon sale or rental of any portion thereof, to all regardless of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, *subdivision (m) and* paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code. The agency shall also require that contractors and

1 subcontractors engaged in residential construction financed under
2 this chapter shall provide equal opportunity for employment,
3 without discrimination as to any basis listed in subdivision (a) of
4 Section 12940 of the Government Code, as those bases are
5 defined in Sections 12926 and 12926.1 of the Government Code,
6 and except as otherwise provided in Section 12940 of the
7 Government Code. All contracts and subcontracts for residential
8 construction financed under this chapter shall be let without
9 discrimination as to any basis listed in subdivision (a) of Section
10 12940 of the Government Code, as those bases are defined in
11 Sections 12926 and 12926.1 of the Government Code and except
12 as otherwise provided in Section 12940 of the Government Code.
13 It shall be the policy of an agency financing residential
14 construction under this chapter to encourage participation by
15 minority contractors, and the agency shall adopt rules and
16 regulations to implement this section.

17 (b) Notwithstanding subdivision (a), with respect to familial
18 status, subdivision (a) shall not be construed to apply to housing
19 for older persons, as defined in Section 12955.9 of the
20 Government Code. With respect to familial status, nothing in
21 subdivision (a) shall be construed to affect Sections 51.2, 51.3,
22 51.4, 51.10, 51.11, and 799.5 of the Civil Code, relating to
23 housing for senior citizens. Subdivision (d) of Section 51 and
24 Section 1360 of the Civil Code and subdivisions (n), (o), and (p)
25 of Section 12955 of the Government Code shall apply to
26 subdivision (a).

27 SEC. 14. Section 35811 of the Health and Safety Code is
28 amended to read:

29 35811. (a) No financial institution shall discriminate in the
30 availability of, or in the provision of, financial assistance for the
31 purpose of purchasing, constructing, rehabilitating, improving, or
32 refinancing housing accommodations due, in whole or in part, to
33 the consideration of any basis listed in subdivision (a) or (d) of
34 Section 12955 of the Government Code, as those bases are
35 defined in Sections 12926, 12926.1, *subdivision (m) and*
36 *paragraph (1) of subdivision (p) of Section 12955, and Section*
37 *12955.2 of the Government Code.*

38 (b) Notwithstanding subdivision (a), with respect to familial
39 status, subdivision (a) shall not be construed to apply to housing
40 for older persons, as defined in Section 12955.9 of the

1 Government Code. With respect to familial status, nothing in
2 subdivision (a) shall be construed to affect Sections 51.2, 51.3,
3 51.4, 51.10, 51.11, and 799.5 of the Civil Code, relating to
4 housing for senior citizens. Subdivision (d) of Section 51 and
5 Section 1360 of the Civil Code and subdivisions (n), (o), and (p)
6 of Section 12955 of the Government Code shall apply to
7 subdivision (a).

8 SEC. 15. Section 37630 of the Health and Safety Code is
9 amended to read:

10 37630. (a) The local agency shall require that any property
11 that is rehabilitated with financing obtained under this part shall
12 be open, upon sale or rental of any portion thereof, to all
13 regardless of any basis listed in subdivision (a) or (d) of Section
14 12955 of the Government Code, as those bases are defined in
15 Sections 12926, 12926.1, *subdivision (m) and* paragraph (1) of
16 subdivision (p) of Section 12955, and Section 12955.2 of the
17 Government Code. The local agency shall also require that
18 contractors and subcontractors engaged in historical
19 rehabilitation financed under this part provide equal opportunity
20 for employment, without discrimination as to any basis listed in
21 subdivision (a) of Section 12940 of the Government Code, as
22 those bases are defined in Sections 12926 and 12926.1 of the
23 Government Code, and except as otherwise provided in Section
24 12940 of the Government Code. All contracts and subcontracts
25 for historical rehabilitation financed under this part shall be let
26 without discrimination as to any basis listed in subdivision (a) of
27 Section 12940 of the Government Code, as those bases are
28 defined in Sections 12926 and 12926.1 of the Government Code,
29 and except as otherwise provided in Section 12940 of the
30 Government Code.

31 (b) Notwithstanding subdivision (a), with respect to familial
32 status, subdivision (a) shall not be construed to apply to housing
33 for older persons, as defined in Section 12955.9 of the
34 Government Code. With respect to familial status, nothing in
35 subdivision (a) shall be construed to affect Sections 51.2, 51.3,
36 51.4, 51.10, 51.11, and 799.5 of the Civil Code, relating to
37 housing for senior citizens. Subdivision (d) of Section 51 and
38 Section 1360 of the Civil Code and subdivisions (n), (o), and (p)
39 of Section 12955 of the Government Code shall apply to
40 subdivision (a).

1 SEC. 16. Section 37923 of the Health and Safety Code is
2 amended to read:

3 37923. (a) The local agency shall require that any residence
4 that is rehabilitated, constructed, or acquired with financing
5 obtained under this part shall be open, upon sale or rental of any
6 portion thereof, to all regardless of any basis listed in subdivision
7 (a) or (d) of Section 12955 of the Government Code, as those
8 bases are defined in Sections 12926, 12926.1, *subdivision (m)*
9 *and* paragraph (1) of subdivision (p) of Section 12955, and
10 Section 12955.2 of the Government Code. The local agency shall
11 also require that contractors and subcontractors engaged in
12 residential rehabilitation financed under this part provide equal
13 opportunity for employment, without discrimination as to any
14 basis listed in subdivision (a) of Section 12940 of the
15 Government Code, as those bases are defined in Sections 12926
16 and 12926.1 of the Government Code, and except as otherwise
17 provided in Section 12940 of the Government Code. All
18 contracts and subcontracts for residential rehabilitation financed
19 under this part shall be let without discrimination as to any basis
20 listed in subdivision (a) of Section 12940 of the Government
21 Code, as those bases are defined in Sections 12926 and 12926.1
22 of the Government Code, and except as otherwise provided in
23 Section 12940 of the Government Code. It shall be the policy of
24 the local agency financing residential rehabilitation under this
25 part to encourage participation by minority contractors, and the
26 local agency shall adopt rules and regulations to implement this
27 section.

28 (b) Notwithstanding subdivision (a), with respect to familial
29 status, subdivision (a) shall not be construed to apply to housing
30 for older persons, as defined in Section 12955.9 of the
31 Government Code. With respect to familial status, nothing in
32 subdivision (a) shall be construed to affect Sections 51.2, 51.3,
33 51.4, 51.10, 51.11, and 799.5 of the Civil Code, relating to
34 housing for senior citizens. Subdivision (d) of Section 51 and
35 Section 1360 of the Civil Code and subdivisions (n), (o), and (p)
36 of Section 12955 of the Government Code shall apply to
37 subdivision (a).

38 SEC. 17. Section 50955 of the Health and Safety Code is
39 amended to read:

1 50955. (a) The agency and every housing sponsor shall
2 require that occupancy of housing developments assisted under
3 this part shall be open to all regardless of any basis listed in
4 subdivision (a) or (d) of Section 12955 of the Government Code,
5 as those bases are defined in Sections 12926, 12926.1,
6 *subdivision (m)* and paragraph (1) of subdivision (p) of Section
7 12955, and Section 12955.2 of the Government Code, that
8 contractors and subcontractors engaged in the construction of
9 housing developments shall provide an equal opportunity for
10 employment, without discrimination as to any basis listed in
11 subdivision (a) of Section 12940 of the Government Code, as
12 those bases are defined in Sections 12926 and 12926.1 of the
13 Government Code, and except as otherwise provided in Section
14 12940 of the Government Code, and that contractors and
15 subcontractors shall submit and receive approval of an
16 affirmative action program prior to the commencement of
17 construction or rehabilitation. Affirmative action requirements
18 respecting apprenticeship shall be consistent with Chapter 4
19 (commencing with Section 3070) of Division 3 of the Labor
20 Code.

21 All contracts for the management, construction, or
22 rehabilitation of housing developments, and contracts let by
23 housing sponsors, contractors, and subcontractors in the
24 performance of management, construction or rehabilitation, shall
25 be let without discrimination as to any basis listed in subdivision
26 (a) of Section 12940 of the Government Code, as those bases are
27 defined in Sections 12926 and 12926.1 of the Government Code,
28 except as otherwise provided in Section 12940 of the
29 Government Code, and pursuant to an affirmative action
30 program, which shall be at not less than the Federal Housing
31 Administration affirmative action standards unless the board
32 makes a specific finding that the particular requirement would be
33 unworkable. The agency shall periodically review
34 implementation of affirmative action programs required by this
35 section.

36 It shall be the policy of the agency and housing sponsors to
37 encourage participation with respect to all projects by minority
38 developers, builders, and entrepreneurs in all levels of
39 construction, planning, financing, and management of housing
40 developments. In areas of minority concentration the agency

1 shall require significant participation of minorities in the
2 sponsorship, construction, planning, financing, and management
3 of housing developments. The agency shall (1) require that, to
4 the greatest extent feasible, opportunities for training and
5 employment arising in connection with the planning,
6 construction, rehabilitation, and operation of housing
7 developments financed pursuant to this part be given to persons
8 of low income residing in the area of ~~such~~ *that* housing, and (2)
9 determine and implement means to secure the participation of
10 small businesses in the performance of contracts for work on
11 housing developments and to develop the capabilities of these
12 small businesses to more efficiently and competently participate
13 in the economic mainstream. In order to achieve this
14 participation by small businesses, the agency may, among other
15 things, waive retention requirements otherwise imposed on
16 contractors or subcontractors by regulation of the agency and
17 may authorize or make advance payments for work to be
18 performed. The agency shall develop relevant selection criteria
19 for the participation of small businesses to ensure that, to the
20 greatest extent feasible, the participants possess the necessary
21 nonfinancial capabilities. The agency may, with respect to these
22 small businesses, waive bond requirements otherwise imposed
23 upon contractors or subcontractors by regulation of the agency,
24 but the agency shall in that case substantially reduce the risk
25 through (1) a pooled-risk bonding program, (2) a bond program
26 in cooperation with other federal or state agencies, or (3)
27 development of a self-insured bonding program with adequate
28 reserves.

29 The agency shall adopt rules and regulations to implement this
30 section.

31 Prior to commitment of a mortgage loan, the agency shall
32 require each housing sponsor, except with respect to mutual
33 self-help housing, to submit an affirmative marketing program
34 that meets standards set forth in regulations of the agency. The
35 agency shall require such a housing sponsor to conduct the
36 affirmative marketing program so approved. Additionally, the
37 agency shall supplement the efforts of individual housing
38 sponsors by conducting affirmative marketing programs with
39 respect to housing at the state level.

(b) Notwithstanding subdivision (a), with respect to familial status, subdivision (a) shall not be construed to apply to housing for older persons, as defined in Section 12955.9 of the Government Code. With respect to familial status, nothing in subdivision (a) shall be construed to affect Sections 51.2, 51.3, 51.4, 51.10, 51.11, and 799.5 of the Civil Code, relating to housing for senior citizens. Subdivision (d) of Section 51 and Section 1360 of the Civil Code and subdivisions (n), (o), and (p) of Section 12955 of the Government Code shall apply to subdivision (a).

SEC. 18. Section 51602 of the Health and Safety Code is amended to read:

51602. (a) The agency shall require that occupancy of housing for which a loan is insured pursuant to this part shall be open to all regardless of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, *subdivision (m) and paragraph (1) of subdivision (p) of Section 12955*, and Section 12955.2 of the Government Code, and that contractors and subcontractors engaged in the construction or rehabilitation of housing funded by a loan insured pursuant to this part shall provide an equal opportunity for employment without discrimination as to any basis listed in subdivision (a) of Section 12940 of the Government Code, as those bases are defined in Sections 12926 and 12926.1 of the Government Code, and except as otherwise provided in Section 12940 of the Government Code.

(b) Notwithstanding subdivision (a), with respect to familial status, subdivision (a) shall not be construed to apply to housing for older persons, as defined in Section 12955.9 of the Government Code. With respect to familial status, nothing in subdivision (a) shall be construed to affect Sections 51.2, 51.3, 51.4, 51.10, 51.11, and 799.5 of the Civil Code, relating to housing for senior citizens. Subdivision (d) of Section 51 and Section 1360 of the Civil Code and subdivisions (n), (o), and (p) of Section 12955 of the Government Code shall apply to subdivision (a).

- 1 (c) A qualified developer shall certify compliance with this
- 2 section and Section 50955 according to requirements specified
- 3 by the pertinent criteria of the agency.

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